

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

**Case No. 3:23-MD-3071
MDL No. 3071**

Chief Judge Waverly D. Crenshaw, Jr.

This Document Relates to: ALL CASES

**DEFENDANTS' MOTION FOR ADDITIONAL PAGES TO RESPOND TO THE
STATEMENT OF INTEREST OF THE UNITED STATES**

Defendants in the above-captioned multidistrict litigation respectfully move the Court for leave to file a response, of no more than 5 pages, and no later than November 22, 2023, to the Statement of Interest filed by the Antitrust Division (the “Division”) of the U.S. Department of Justice on November 15, 2023. *See* ECF Nos. 627, 628.

On October 12, 2023, the Division filed a Notice of Potential Participation “notif[ying] the Court that it is considering filing a Statement of Interest in this case by November 15, 2023.” ECF No. 599 at 1. The Notice of Potential Participation did not describe what the Division’s contemplated Statement of Interest would say. *See id.* at 1–2. On November 15, 2023, the Division filed its Statement of Interest. *See* ECF Nos. 627, 628. The Statement of Interest presents arguments not advanced by Plaintiffs as to whether the governing multifamily and student housing

complaints plausibly allege violations of Section 1. *See* ECF No. 628 at 12–14, 18–23. Based on those arguments, and despite the United States not being a party to this MDL, the Statement of Interest requests that the Court deny Defendants’ pending motions to dismiss the complaints. *Id.* at 23.

Given the Statement of Interest’s presentation of new arguments regarding the sufficiency of Plaintiffs’ allegations and its request that the Court deny Defendants’ motions based on those new arguments, Defendants respectfully request leave to file a response of no more than 5 pages total to the Division’s 23-page Statement of Interest. Defendants will file their response—either as part of the omnibus Multifamily and Student replies (with the additional 5 pages split between the two briefs) or as a separate, standalone filing—no later than November 22, 2023, which aligns with the briefing schedule set forth by the Court.

Defendants notified Plaintiffs’ counsel of their intent to file this motion. Plaintiffs have no objection to Defendants’ motion.

DATED: November 17, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record registered on the CM/ECF system.

DATED this 17th day of November, 2023.

/s/ Jay Srinivasan

Jay Srinivasan